

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

February 27, 2013

The meeting was called to order at 4:04 p.m. by Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Terri Mills, Phil Conder, Barbara Thomas,
and Imaan Bilic

ABSENT

Jack Matheson and Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Jody Knapp, Kevin Despain, and Nichole
Camac

AUDIENCE

Approximately eight (8) people were in the audience

ZONE TEXT CHANGE APPLICATION

ZT-1-2013

Cargo Containers

West Valley City Planning and Zoning (Kevin Despain, Planner I)

ISSUE

This application was continued from the February 13, 2013 public hearing.

This is a staff proposed amendment to Sections 7-1-103 (Definitions), and 7-2-130 (Temporary Residential Storage Containers) of the West Valley City Municipal Code in order to define and address cargo containers in residential and agricultural zones. Currently, the West Valley Code does not specifically prohibit the use of cargo containers as accessory buildings in residential zones. According to International Building Code, these are considered structures and can be used as permanent accessory buildings provided they are designed to be permanently anchored to the ground. The ordinance does allow for 'temporary residential storage containers' to be used on a temporary basis, up to 14 days, for moving purposes or up to six (6) months for remodeling and construction purposes. Over the past few years, we have received complaints concerning the use of cargo containers in residential neighborhoods. The primary issue is their lack of aesthetic appeal due to their industrial appearance. These containers are not compatible with the architecture of the home. The containers are square metal boxes and typically come in various colors often covered with shipping insignia and numbers. Cargo containers come in nominal sizes of 20 feet or 40 feet in length. They are typically 8 feet in height, some containers can be taller, and no more than 8 feet wide. These containers are airtight and typically do not include any openings. At the February 13, 2013 public hearing, planning staff had proposed an amendment to prohibit cargo containers in any residential or agricultural zone. After further discussion, it was concluded to allow cargo containers under certain conditions. Based on research of what other communities have done throughout the country, planning staff proposes to prohibit cargo containers in residential zones but to allow them on larger agricultural properties provided they meet certain criteria in terms of placement, color, use, and quantity.

PROPOSED ORDINANCE REVISIONS

7-1-103. DEFINITIONS.

(29) "Cargo Container " A prefabricated metal structure designed for use as an individual shipping container in accordance with international standards for overseas shipping, or designed to be mounted on a rail car as freight, or designed and built for use as an enclosed truck trailer in accordance with US Department of Transportation standards.

7-2-130. CARGO CONTAINERS AND TEMPORARY RESIDENTIAL STORAGE CONTAINERS.

(1) Cargo containers are not allowed in residential zones as accessory buildings or for any other use.

(2) Cargo containers may be used as accessory buildings on agricultural zoned properties provided the following conditions are met:

- a. The property shall be a minimum of one (1) acre in area;
- b. The container shall be located in the rear yard and meet the minimum setbacks;
- c. The container shall be painted a neutral, solid color such that all insignia, writing, or numbers on the container be masked;
- d. The container is to be used for storage purposes only;
- e. A maximum of one container per acre and an additional container may be obtained for each additional acre of property over one (1) acre;
- f. Cargo containers shall require comply with all applicable building codes.

(3) The use of temporary storage containers in agricultural and residential zones is prohibited except for when they are used for moving purposes, or construction and remodeling purposes, as described in 7-2-116(1). When a temporary residential storage container is used, it shall meet all of the following requirements:

- ~~(a) (1)~~ Located out of the public right of way;
- ~~(b) (2)~~ Located on the subject property's private driveway, unless used for new home construction or remodeling where the storage container may be located anywhere on the subject property, provided it is not located on existing landscape;
- ~~(c) (3)~~ Used for a maximum of 2 weeks (14 days) for moving purposes.
- ~~(d) (4)~~ Temporary residential storage containers may be used for remodeling and construction purposes for a maximum of six (6) months in conjunction with a valid West Valley City building permit on the subject property.

Staff Alternatives:

- Approval of the Ordinance Text Change, subject to the resolution of any issues raised at the public hearing.
- Continuance, to provide more time for staff to further refine the Ordinance or for the resolution of any issues raised at the public hearing.
- Denial, as the current ordinance is adequate.

Applicant:

West Valley City

Discussion: Kevin Despain presented the application. Terri Mills stated that in addition to limiting cargo containers to one per acre she feels there should be a cap on the maximum number of units allowed for a property. Barbara Thomas suggested limiting the number of containers to two.

Motion: Commissioner Mills moved for approval subject to adding “a maximum of two containers will be allowed” to item ‘e’ in the staff report.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous -ZT-1-2013- Approved

ZT-02-2013

Firefly Equipment, LLC

Steve Aposhian

This is a proposed amendment to Section 7-6-200 of the West Valley City Municipal Code regarding uses allowed in the Agricultural Zone.

Background:

The applicant, Steve Aposhian, has developed a sod harvesting machine that he would like to assemble and sell out of their existing sod farm and retail greenhouse location at 6570 West 3550 South. Currently the Agricultural Zone does not permit any sort of manufacturing or assembly use. Therefore, they are proposing to amend the ordinance to allow for this type of facility. Mr. Aposhian has submitted the following list as suggested regulations that would accompany this use:

Assembly, repair and service to turf farm related equipment on a turf farm of 5-10 acres:

- a. Construction of a building, 25,000 sq.ft.
- b. Assembly of 1-5 machines per month.
- c. Hard surface access with off street parking.
- d. Building to be 75’ from existing residences.
- e. Noise level not to exceed levels normally used in turf farming operations (ie., tractors, implements, trucks, forklifts and harvesters).
- f. Storage building for turf farm equipment, parts and turf.
- g. Hours of normal operation – daylight in summer, 7:00 a.m.-7:00

- p.m. winter hours.
h. Testing of turf equipment.

Staff has taken these suggestions and drafted a definition as well as an ordinance.

The definition would be as follows: Turf Farm Equipment Manufacturing would be defined as a commercial business engaged in assembling, testing, storing, selling and/or repairing equipment, parts and machinery used exclusively for sod harvesting.

The use would be listed under the conditional uses and the guidelines that would apply under the zoning regulations would be as follows:

- a. A minimum lot size of 5 acres shall be required.
- b. All assembly, repair, storage and maintenance must be conducted within an enclosed structure.
- c. Structures dedicated to this use shall occupy no more than 25,000 square feet.
- d. Must provide a hard surface access to the facility and hard surface parking for employees and customers.
- e. All structures used for this purpose must be setback at least 75' from any residential zone boundary.

All other issues including but not limited to screening, landscaping, access, hours of operation, number of employees, parking, off site improvements, etc., would be reviewed during the conditional use process.

Staff Alternatives:

Approval, of the proposed ordinance amendment.

Continuance, to allow for the resolution of any issues raised at the public hearing or to allow time for the applicant to revise the proposed regulations in the ordinance amendment.

Denial, the current Ordinance requirements are adequate and this use is not appropriate in this zone.

Applicant:

Lawrence Aposhian
6570 W 3500 S

Discussion: Jody Knapp presented the application. Lawrence Aposhian, representing the applicant, stated that this machine is a unique automated sod harvester that is an original design. He indicated that there are two other companies that make something somewhat similar and they operate next to large sod fields which is very important for testing purposes. Mr. Aposhian stated that most of the sales of this machine will be regional and international so there won't typically be a lot of cars coming into the site to purchase them. He described how the machine works and indicated that it is a very beneficial tool for farmers to have. Mr. Aposhian stated that there is a little bit of welding and fabrication which isn't too different from what usually occurs on agricultural property with typical maintenance of farming equipment. Barbara Thomas asked if there is sod existing on site now. Mr. Aposhian replied no but stated

that he has planted sod before and will be planting more to adequately test these machines. Commissioner Thomas asked how these machines will be removed from the property. Mr. Aposhian replied that they will be taken by a semi out to 3500 South on the existing access. Commissioner Thomas asked out of the property to 3500 south on the existing access. Commissioner Thomas asked what type of engine is used with the machine. Mr. Aposhian replied it will have a John Deere engine. Brent Fuller asked what type of building is anticipated to be constructed. Mr. Aposhian replied that that this will be looked into at the conditional use phase of the project. Commissioner Fuller asked what type of equipment is expected to be used in the assembly of the machine. Mr. Aposhian replied there will be compressors, welding, etc. He indicated that it will not be any louder than the activity that currently occurs on site. Harold Woodruff stated that he feels this is a very impressive machine but indicated that he anticipates it will exceed expectations and outgrow the site. Mr. Aposhian replied that there are not going to be millions of these built and early study numbers show that a maximum 600 machines could be sold around the world. Commissioner Woodruff asked how many employees there will be. Mr. Aposhian replied there will be 15-20. Commissioner Fuller asked if sod will still be sold. Mr. Aposhian replied yes.

Commissioner Thomas asked what types of uses are allowed as permitted and conditional in agricultural zones. Jody provided the ordinance. Commissioner Thomas stated that there are manufacturing areas where these machines could be built. She indicated that she doesn't feel an agricultural use should be used for the manufacturing of this type of product. Chairman Conder asked if repair of farm equipment is allowed in the agricultural zone. Jody replied that would be included as an accessory to the agricultural zone. Chairman Conder stated that he struggles with opening the agricultural zone up to this type of use. Commissioner Woodruff stated that the scale of this type of project being built in this zone would limit the use and he indicated that he doesn't feel it's appropriate. Terri Mills stated that she is concerned where the actual building would be located on the property. Brandon Hill indicated that this type of information would be looked at in the conditional use phase but not in the text change. Imaan Bilic suggested increasing the number of acres required for this use. Jody replied that she isn't sure if the property has more than 10 acres without consolidating property.

Motion: Commissioner Thomas moved for denial.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Bilic	No
Commissioner Fuller	No
Commissioner Mills	No
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Split -ZT-2-2013- Fails

Discussion: Commissioner Fuller stated that the words ‘assembly’ and ‘manufacture’ make a lot of difference and suggested modifying the text in the ordinance. Commissioner Thomas stated that adding more acreage or changing the words doesn’t make the use more appropriate for the agricultural zone. Phil Conder suggested specifying that the 5 acres be used for testing purposes.

Motion: Commissioner Fuller moved for continuance.

Commissioner Bilic seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Mills	No
Commissioner Thomas	No
Commissioner Woodruff	No
Chairman Conder	No

Majority -ZT-2-2013- Fails

Discussion: Commissioner Mills stated that she no longer believes this use is appropriate in the ‘A’ zone.

Motion: Commissioner Mills moved for denial.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	No
Commissioner Fuller	No
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Majority -ZT-2-2013- Denied

SUBDIVISION APPLICATIONS

Commissioner Mills was excused due to a conflict of interest

S-3-2013

Hunter Park Station Subdivision

5870 West 3500 South

R-1-10 & A Zones

1 Lot

BACKGROUND

Rick Hellstrom, representing Questar Gas Company, is requesting preliminary and final subdivision approval for a 1 lot subdivision. The subdivision is bordered on the north by the Meadowlands Subdivision and the east by property owned by Rocky Mountain Power. It is adjacent to agricultural zoning to the west and immediately north of 3500 South.

ISSUES:

The subdivision is being proposed to consolidate a number of parcels to create one lot. The new subdivision will allow Questar the ability to expand their natural gas regulating facility. Due to increased demands and continued growth in the area, Questar believes the expansion is necessary.

Questar presently operates their facility on approximately .63 acres. Mr. Hellstrom has informed staff that Questar has recently purchased property from Rocky Mountain Power, and from the Brown family. These acquisitions were necessary in order to expand the facility. The total acreage of all property within the subdivision boundary will be approximately 1.88 acres in size.

The northern portion of the subdivision is located at the end of Water Leaf Way. City ordinance requires that whenever a dead end street is terminated at property to be subdivided, the street shall be extended and incorporated into the design of the subdivision. Staff has met and discussed this issue with Questar. In order to meet the requirements of the ordinance, Questar will dedicate a portion of property for a future right-of-way to serve the deep agricultural lots fronting 3500 South. To help illustrate that the proposed dedication is in the right location, a conceptual drawing has been prepared by Questar's Engineer.

Public improvements for this dedication will not be required at this time. This plat will simply provide the dedication needed for the future. Water Leaf Way will remain in its current configuration until development to the west occurs. The City does not believe a delay agreement is needed here due to the size of the dedication. However, we have discussed the possibility for a letter of understanding that would outline Questar's participation in the future should property to the west develop. Staff will coordinate this with Questar prior to City Council review. The future extension of Water Leaf Way will result in modifications to the existing road and frontage of lot 621. The developer of the future subdivision will be required to coordinate these matters.

As part of the subdivision application, the applicant will be required to dedicate a portion of 3500 South. The applicant has met with UDOT and has discussed the width needed here. Although the plat identifies the dedication area, public improvements will not be installed at this time.

During the study session, a concern was raised about the lack of street lighting on the north side of 3500 South. The concern is that limited lighting may encourage those who may want to graffiti the future masonry wall. Staff has raised the issue with both the applicant and City Transportation Engineer. Staff is hopeful to have a response by the meeting date.

Because this application is a commercial subdivision, staff and agency comments will be better addressed as part of the conditional use. The Planning Commission has reviewed the regulating facility and has established conditions to help mitigate their concerns. Staff will

recommend however, that a letter of understanding regarding the street improvements be resolved prior to City Council review. Also, that street and/or site lighting options be considered to help reduce the potential for graffiti.

STAFF ALTERNATIVES:

- A. Approve the Hunter Park Station Subdivision subject to the following conditions:
1. Resolution of staff and agency comments.
 2. That a letter of understanding be prepared regarding the extension of Water Leaf Way. Said letter shall be completed prior to City Council review.
 3. That Questar evaluate lighting options to help deter graffiti on the masonry wall.
 4. That all conditions outlined in the conditional use process be complied with.
- B. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Rick Hellstrom
1140 W 200 S

Neutral:

Tim Mills
5890 W 3500 S

Neutral:

John Warman
5880 W 3500 S

Discussion: Steve Lehman presented the application. Rick Hellstrom, the applicant, stated that access issues and street dedication concerns have been resolved. He indicated that lighting concerns are being worked out as well to ensure there are no problems for the neighbors and stated that a light will be installed on 3500 S and will be directed onto the wall to try to deter graffiti.

Tim Mills, a neighbor, stated that more than one light will be needed to light the wall. He indicated that he wanted to assure dedication on Waterleaf will happen and landscaping will be installed. Steve stated that dedication plans are in place and indicated that landscaping is being worked on and will meet standards in the ordinance as well as the conditional use. Steve stated that the applicant is in charge for the care and maintenance of the wall which does include graffiti removal. He stated that requiring the applicant to install additional lights is not something the Planning Commission can do at the subdivision phase since this has been addressed in the conditional use application.

John Warman, a neighbor, suggested constructing lights within the wall. He indicated there is a lot of tagging on the walls and the police don't arrive fast enough to catch the people responsible.

Rick Hellstrom stated that steps are being taken to light the wall but indicated that making them too bright would also be a problem for neighbors trying to sleep. He indicated that the wall will not be squared off on the north end but there will be a

dedicated area with an approach for now.

Motion: Commissioner Thomas moved for approval subject to the 4 staff conditions.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Mills	N/A
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous -S-3-2013- Approved

PLANNING COMISSION BUSINESS

Approval of Minutes from February 6, 2013 (Study Session) **Approved**

Approval of Minutes from February 13, 2013 (Regular Meeting) **Approved**

Approval of Minutes from February 20, 2013 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:23 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant